

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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JAMES W. NICHOLSON,

Plaintiff,

v.

9:13-cv-748  
(TJM/DEP)

M. HAMMOND, et al.,

Defendants.

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**Thomas J. McAvoy, D.J.**

**DECISION and ORDER**

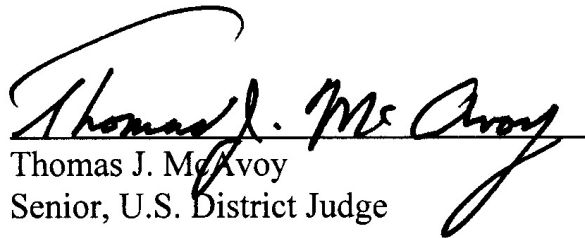
The Court referred this action, brought pursuant to 42 U.S.C. § 1983, to the Hon. David E. Peebles, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. Plaintiff alleges that the Defendants violated his constitutional rights by failing to process his legal mail, partly in retaliation for filing legal actions against officials.

The Report-Recommendation, dated May 19, 2016, recommended that Defendants' motion for summary judgment be granted and Plaintiff's cross-motion for summary judgment be denied. No objections to the Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. The Court therefore adopts the Report-Recommendation and Order for the reasons stated therein.

The Report-Recommendation, dkt. # 78, is hereby adopted, and:

1. The Defendants' motion for summary judgement, dkt. # 69 is hereby **GRANTED**;
2. Plaintiff's motion for summary judgment, dkt. # 74, is hereby **DENIED**;  
and
3. The Plaintiff's complaint is hereby **DISMISSED IN ITS ENTIRETY**.

**IT IS SO ORDERED.**

  
Thomas J. McAvoy  
Senior, U.S. District Judge

Dated: June 16, 2016